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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,219	10/29/2001	Mitchell J. Bogdanowicz	83417DMW	8987

7590

10/06/2005

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EXAMINER

LEE, CHEUKFAN

ART UNIT

PAPER NUMBER

2627

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/040,219

Applicant(s)

BOGDANOWICZ ET AL.

Examiner

Cheukfan Lee

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-15 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/4/2002, 3/19/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2622

1. Claims 1-15 are pending. Claims 1, 3, 7, 8, 10, and 13 are independent.

2. The specification is objected. Line 6 of page 1, the application serial number is missing.

3. Claim 2 is objected to for the following reason:

In claim 2, line 4 of the claim, "will produce" should read – produces – since "will produce" does not mean "actually produces".

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Houston et al. (U.S. Patent No. 6,442,497) discloses a method and apparatus for calibrating a film scanner. The scanner is calibrated in relation to printing densities. A calibration strip is scanned by the scanner to produce scanner densities. Reference printing densities are provided. The scanner densities and the reference printing densities are regressed to produce a calibration matrix for contorting from scanner density to printing density. It is

Art Unit: 2622

inherent that the calibration matrix is applied to density data obtained from scanning a photographic film. Therefore, the scan data of the photographic film represents printing densities.

6. Claims 3-15 are allowed.

7. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and to overcome the objection set forth in this Office Action.

8. The following is an examiner's statement of reasons for allowance:

Claim 2 would be allowable because the claimed detail is not taught by Houston et al., including the scan data representing printing densities which when written out to the film recorder produces printing densities of the output film onto the target print material that are identical to the printing densities of the same photographic film optically transferred onto the target print material.

Claim 3 and its dependent claims 4-6 are allowable because Houston et al. does not disclose that the film scanner generates code values representative of the digital

Art Unit: 2622

signals of the photographic film as claimed in claim 3. Houston et al. discloses a film scanner, not specifically a telecine scanning device.

Claim 7 recites the limitations of claim 3 in addition to other limitations. Thus, claim 7 is allowable for the same reason as given for claim 3.

Claim 8 and its dependent claim 9 are allowable because Houston et al. does not disclose the steps of comparing the scan measurements to aim values derived from the film calibration elements, the aim values representing printing densities of the output film, and adjusting the film scanning device until the scan measurements substantially agree with or equal to the aim values as claimed.

Claim 10 and its dependent claims 11 and 12 are allowable because Houston et al. does not disclose a telecine scanning device that continuously scanning the motion picture film after the telecine scanning device is calibrated in relation to printing densities.

Claim 13 and its dependent claims 14 and 15 are allowable because Houston et al. does not disclose calibrating, using the calibrating element (Fig. 3), the film scanning device with respect to aim values representing printing densities and generating calibrated scan settings, and producing code values by the film scanning device as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

Art Unit: 2622

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (571) 272-7407. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cheukfan Lee
September 30, 2005

A handwritten signature in black ink, appearing to read "Cheukfan Lee", is written over a printed name. The signature is stylized with a large, looped initial "C".